

AMENDED IN ASSEMBLY APRIL 22, 2004

AMENDED IN ASSEMBLY APRIL 1, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 2283

Introduced by Assembly Member Chu
(Principal coauthor: Assembly Member Ridley-Thomas)

February 19, 2004

An act to add Article 6.7 (commencing with section 53128) to Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code, and to add Section 2889.7 to the Public Utilities Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

AB 2283, as amended, Chu. "211" telephone number system.

(1) Existing law requires local public safety agencies to maintain a "911" emergency telephone number and among other things, sets forth the duties of the Division of Telecommunications of the Department of General Services in providing management oversight of statewide telecommunications systems developments. Existing law authorizes every local public agency, as defined, to establish a nonemergency "311" telephone system and authorizes the Division of Telecommunications to, among other things, aid local public agencies in the formulation of concepts, methods, and procedures that will improve the operation of "311" systems and to increase cooperation among public agencies.

Under existing law, the Federal Communications Commission has designated "211" to be the national abbreviated dialing code to be used

to access nonemergency community information and referral providers to enable a caller to obtain information concerning social services not currently addressed by either the “911” or “311” system.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including telephone corporations. In Decision 03-02-029, the commission established guidelines and procedures whereby the commission can certify information and referral providers as eligible to purchase network telephone service that will enable them to receive calls from those persons who dial “211” and required all local exchange carriers to provide “211” call origination services at reasonable rates in those territories that will be serviced by “211” information and referral providers. Decision 03-02-029 does not address the situation of wireless carriers.

This bill would require information and referral providers ~~to that~~ use the abbreviated dialing code “211,” *to operate the system in a manner that is* consistent with the applicable orders of the Federal Communications Commission and the commission, would *provide immunity from liability in a civil action for injuries or loss to persons or property as a result of certain acts or omissions of an authorized “211” provider or its employees, directors, officers, or agents, would* make the commission responsible for ~~the establishment of the system and the selection of “211” providers, including the allocation of federal funds made available for the system,~~ and would authorize the Division of Telecommunications, in consultation with the commission, to aid information and referral providers, local exchange carriers, and local public agencies to improve operation of, and access to, a “211” telephone dialing system and to increase cooperation among information and referral providers, local exchange carriers, and public agencies. *The*

~~The~~ bill would authorize all state agencies and other official state organizations to provide reasonable assistance and cooperation in carrying out the purposes of the bill, including, but not limited to, promoting the use of “211” dialing for access to social services.

The bill would ~~require~~ *authorize* the commission to designate a “211” lead entity with prescribed responsibilities and characteristics, *upon determining that this will assist in implementation of a “211” telephone dialing system throughout the state.* The bill would require ~~the~~ a lead entity to allocate federal funds made available for the development, implementation, and administration of a “211” dialing system to accomplish specified goals.



The bill would require that if the commission designates a lead entity, the commission establish a fund and require separate accounting for any federal or state funds made available to the lead entity, and require that the funds be spent consistent with federal and state law. The lead entity would be required to report certain information to the commission by December 31, 2005, and annually thereafter. The bill would prohibit a lead entity from expending more than 5% of any state funds for administrative expenses and would prohibit funding of a lead entity by additional ratepayer surcharges or the General Fund. The bill would authorize the commission to adopt a plan applicable to regulated telecommunications carriers for implementing a “211” dialing system throughout this state.

(2) Existing law makes any public utility, including a telephone corporation, and any corporation other than a public utility, that violates the Public Utilities Act, or who fails to comply with any part of any order, decision, rule, direction, demand, or requirement of the commission, guilty of a crime.

Because this bill would require a rule or decision of the commission to implement its requirements, a violation of these provisions would be a crime and the bill would thereby impose a state-mandated local program by creating a new crime.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 6.7 (commencing with Section 53128)
2 is added to Chapter 1 of Part 1 of Division 2 of Title 5 of the
3 Government Code, to read:

4

5 Article 6.7. Community Social Services Telephone System

6

7 53128. (a) Information and referral providers ~~shall~~ *that use*
8 the abbreviated dialing code “211,” *shall operate the system in a*



1 *manner that is* consistent with the applicable orders of the Federal
2 Communications Commission and the Public Utilities
3 Commission.

4 (b) Except as specified in subdivision (c), a provider of
5 information and referral services that has been authorized by the
6 Public Utilities Commission to use the “211” abbreviated dialing
7 code, and its employees, directors, officers, and agents are not
8 liable to any person in a civil action for injuries or loss to persons
9 or property, as a result of an act or omission of the authorized
10 “211” provider or its employees, directors, officers, or agents, in
11 connection with any of the following:

12 (1) Developing, adopting, implementing, maintaining, or
13 operating a “211” system.

14 (2) Making “211” available for use by the public.

15 (3) Providing “211” services.

16 (c) Subdivision (b) is not applicable to injuries or loss resulting
17 from the willful or wanton misconduct of the “211” service
18 provider or its employees, directors, officers, or agents.

19 (d) The Public Utilities Commission shall, ~~pursuant to Section~~
20 ~~2889.7 of the Public Utilities Code~~, be responsible for the selection
21 of 211 “211” providers. The Division of Telecommunications of
22 the Department of General Services, in consultation with the
23 Public Utilities Commission, may aid information and referral
24 providers, local exchange carriers, and local public agencies to
25 improve operation of, and access to, a “211” telephone dialing
26 system and to increase cooperation among information and
27 referral providers, local exchange carriers, and public agencies.

28 (e) All state agencies and other official state organizations may
29 provide reasonable assistance and cooperation in carrying out the
30 purposes of this article, including, but not limited to, promoting
31 the use of “211” dialing for access to social services.

32 SEC. 2. Section 2889.7 is added to the Public Utilities Code,
33 to read:

34 2889.7. (a) ~~The commission shall~~ *If the commission*
35 *determines that a lead entity will assist in the implementation of*
36 *a 211 telephone dialing system throughout the state, the*
37 *commission may* designate a “211” lead entity responsible for all
38 of the following:

1 (1) Performing planning, administrative, fiscal, and reporting
2 functions required under any state and federal 2-1-1 funding
3 program.

4 (2) Developing a plan for implementation of 2-1-1 services
5 throughout the state.

6 (3) Allocating 2-1-1 funds to entities in accordance with
7 applicable law.

8 (4) Reporting activities and progress as requested by the
9 Legislature or the commission.

10 ~~(b) The commission shall ensure that the “211” lead entity, to~~
11 ~~the extent practicable, conforms to the following:~~

12 *(b) In designating a lead entity pursuant to subdivision (a), the*
13 *commission may consider whether the “211” lead entity conforms,*
14 *to the extent feasible, to the following:*

15 (1) Consists of representatives from different geographic areas
16 of the state.

17 (2) Demonstrates ~~substantial~~ experience in providing
18 leadership, education and support to the information and referral
19 industry in California.

20 (3) Demonstrates ~~substantial~~ experience in statewide “211”
21 planning and implementation efforts in California.

22 (4) Demonstrates established relationships with information
23 and referral providers throughout California.

24 (5) Demonstrates the means to maintain established
25 relationships with information and referral providers throughout
26 the state.

27 (6) Demonstrates established relationships with national
28 information and referral interests and established relationships
29 with information and referral interests in other states.

30 (7) Demonstrates the ability to provide training, technical
31 assistance, and service evaluation in adherence with information
32 and referral industry standards.

33 (8) Demonstrates substantial expertise with the operational
34 requirements of information and referral providers in California,
35 including, but not limited to, database resources, software
36 requirements, and referral practices.

37 (c) ~~The A~~ “211” lead entity shall allocate federal funds made
38 available for the development, implementation, and
39 administration of a “211” dialing system, to accomplish each of
40 the following:

(1) Maximize the federal funds available to local information and referral providers using, or seeking to use, the “211” abbreviated dialing code to provide comprehensive information and referral services in California.

(2) Consider population and poverty rates when allocating funds.

(3) Consider developmental requirements, in addition to operational requirements, when initially allocating funds that are made available to local “211” providers.

(4) Include a reasonable administration fee sufficient to support the activities of the “211” lead entity.

(5) Ensure that any fund matching requirement is met.

(d) *If the commission designates a lead entity pursuant to subdivision (a), the commission shall establish a fund and require separate accounting for any federal or state funds made available to the “211” lead entity and shall require that those funds be spent consistent with this section and the requirements of federal and state law. The commission shall require the “211” lead entity to prepare and submit to the commission, on or before December 31, 2005, and annually thereafter, a report on the fiscal status of the program established pursuant to this section. The report shall include all of the following:*

(1) *A statement of any funds made available to the “211” lead entity through federal or state funding sources.*

(2) *An accounting of all federal or state funding allocated or expended by the lead entity in the previous year.*

(3) *A summary of all requests for funding that were approved or denied by the lead entity with an explanation why the particular action was taken.*

(e) *The lead entity may not expend more than 5 percent of any state funds made available for the administrative expenses of the lead entity.*

(f) *A lead entity shall not be funded by additional ratepayer surcharges or the General Fund.*

(g) The commission may adopt a plan applicable to regulated telecommunications carriers for implementing a “211” dialing system throughout this state.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or
2 infraction, eliminates a crime or infraction, or changes the penalty
3 for a crime or infraction, within the meaning of Section 17556 of
4 the Government Code, or changes the definition of a crime within
5 the meaning of Section 6 of Article XIII B of the California
6 Constitution.

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